United Nations CEDAW/C/MEX/Q/9

Convention on the Elimination of All Forms of Discrimination against Women

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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the ninth periodic report of Mexico

Constitutional, legislative and institutional framework

1. Reference is made in the report (CEDAW/C/MEX/9) to efforts to harmonize legislation, including amendments to article 73 of the Constitution enabling the Congress of the Union to expedite the passing of federal and state laws in relation to kidnapping, enforced disappearance and trafficking, among other offences (para. 24).[1] Please indicate what measures are in place to ensure that corresponding legislation, including sanctions, is established and applied coherently and consistently in all states. Please also elaborate on the criteria applied by the entities involved in the national meetings for legislative harmonization (para. 27), specifying whether indigenous and migrant women are involved and their views adequately represented. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate whether measures have been taken, or are envisaged, to incorporate the principle of equality into all federal legislation and to define and prohibit all forms of discrimination against women, including direct, indirect, formal and de facto discrimination by State and non-State actors, in the public and private spheres.

Access to justice

2. Reference is made to legislative protocols that have been adopted to improve access to justice for women, including a protocol for judging with a gender perspective (para. 42). Please indicate whether steps have been taken to measure the impact of the protocols, especially in relation to eliminating gender stereotypes and

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the ninth periodic report of the State party.

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intersecting discrimination in the administration of justice. Please elaborate on the interpretative criteria applied by judges in the resolution of cases and specify whether mechanisms are in place to identify discriminatory rulings and practices. Please provide information on steps taken to ensure due diligence by law enforcement personnel when conducting investigations to encourage reporting and to avoid revictimization. Please indicate what steps have been taken to eradicate inaccuracies in the investigative procedures for recording and documenting killings of women, especially in those states experiencing the highest levels of violence against women, including Chiapas, Guanajuato, Jalisco, Nuevo León, Oaxaca, Puebla, State of Mexico, Veracruz and Quintana Roo, as well as in Mexico City and Ciudad Juárez (CEDAW/C/MEX/CO/7-8, para. 17). Please also indicate whether mechanisms are in place to monitor the implementation of the General Act on Transparency and Access to Public Information, especially in the light of reports suggesting that the number of sentences being made public has fallen considerably and the right of women to gain access to information on cases has been limited following the introduction of that law.

3. Please elaborate on the nature of the training activities, online courses and workshops aimed at raising awareness among the judiciary and public servants of the importance of incorporating a gender perspective when processing cases (paras. 64–67). Please specify whether such training is compulsory and whether disciplinary measures are in place in the event of failure to attend or complete them. Please also explain whether clear indicators are in place to measure progress towards the inclusion of a gender perspective in the judiciary's work. Please indicate whether there are plans to strengthen the gender units currently in place in some federal tribunals and courts (para. 30), including through the provision of adequate human, technical and financial resources.

4. The State party highlights five decisions adopted by the Supreme Court in relation to the right of indigenous people to access to justice, along with a protocol and training sessions (para. 94). Please indicate whether measures are in place to evaluate the impact of the decisions on indigenous women. Please provide information on steps taken to overcome the persistent barriers that prevent rural and indigenous women from gaining access to justice. Please provide examples of cases, if any, in which the provisions of the Convention have been referred to by national courts, and indicate what measures have been taken to inform women about procedures available to them to enforce their rights under the Convention, to challenge discrimination and to obtain redress. Please indicate whether all women, including those women and girls whose income is limited, have adequate access to legal aid.

National machinery for the advancement of women

5. Given that the State party notes that the national system for equality between men and women now operates at the ministerial level, please indicate what steps have been taken to harmonize it with the mechanisms for promoting gender equality created within federal ministries and institutions (paras. 30–31). Please also indicate whether similar mechanisms at the state, municipal and local levels have clearly defined mandates and responsibilities and whether they are provided with adequate human, financial and technical resources.

Temporary special measures

6. The State party outlines the considerable progress made in facilitating the participation of women in political and public life through a national programme for equal opportunities and non-discrimination against women, covering the period 2013–2018. Please indicate what criteria were applied when adopting the programme. Please elaborate on any other such temporary special measures to accelerate the

achievement of substantive equality at the national, state and sectoral levels. In that regard, please provide information on additional measures in place as a means of achieving substantive equality of women with men, similar to those established within the education sector (paras. 110 and 121), to incorporate a gender perspective into policies and budgets and to formulate, implement and evaluate affirmative action to accelerate progress for long-lasting impact. Please also indicate whether the State party envisages adopting other temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in order to accelerate the full and equal participation of women in all areas covered by the Convention, especially those in which they are disadvantaged or underrepresented.

Stereotypes and discriminatory practices

7. Please indicate what measures are in place to eliminate sexist language and discriminatory stereotypes against women in the media, especially in the light of the amendments to article 42 of the General Act on Equality between Men and Women (annex 7). Please elaborate on measures to tackle multidimensional discrimination against women, especially given the multi-ethnic nature of the State party. Please indicate whether steps have been taken to develop a comprehensive strategy to change social and cultural patterns that reinforce traditional stereotypes in relation to the roles and responsibilities of women and men at the federal and state levels, in the family, in society, in the education system and in the health sector. Please specify whether progress has been made in developing awareness-raising campaigns targeting indigenous communities, in collaboration with civil society and women's organizations, with a view to enhancing a positive and non-stereotypical portrayal of women, as previously recommended by the Committee (CEDAW/C/MEX/CO/7-8, para. 35 (c)).

Violence against women

8. The State party outlines significant legislative and institutional advancements to combat the high level of violence against women, including the ever-increasing level of femicide, in the country. Please indicate what measures are in place to ensure the complete harmonization of those amendments, explaining whether sufficient human, financial and technical resources have been made available for their full implementation. Please provide updated information on the number of cases of femicide processed through the federal criminal courts since the adoption of amendments to 32 federal criminal codes (annex 10), indicating how many have resulted in prosecution. Please also provide information on measures taken to stamp out impunity in such cases. Please indicate measures envisaged to provide adequate training for the judiciary, police officers and public health officials in identifying the causal factors of gender-based violence, including femicide, when dealing with individual cases.

9. Please describe any developments in establishing a standard system for the regular collection of statistical data on violence against women, disaggregated by type of violence and the circumstances in which the violence was committed, including information on perpetrators and victims and their relationship, as previously recommended by the Committee (CEDAW/C/MEX/CO/7-8, para. 12 (d)). Please also indicate what steps have been taken to tackle challenges identified in relation to data on cases involving femicide (para. 230). Please specify the extent to which relevant stakeholders, including members of civil society, have been involved in implementing the comprehensive programme to prevent, address, punish and eradicate violence against women, covering the period 2014–2018 (para. 34). Please provide an update on the status of the legislation on enforced disappearances, including its expected

implementation date. Please specify the urgent measures in place to address the disappearances of women and girls and to ensure effective and immediate investigations by law enforcement officers in such cases.

10. Please provide updated information on steps taken to tackle the continued obstacles preventing the gender violence alert mechanism from reducing the number of cases of violence against women and femicide (para. 39 and annexes 18–19). Please also indicate whether sufficient measures are in place to identify alleged perpetrators, including non-State actors and those involved in organized crime. Please specify whether mechanisms are in place to evaluate the impact of the mechanism and whether there are plans to establish it in all states. Please indicate steps to conduct awareness-raising campaigns, in particular for girls, parents and caregivers, to prevent the systemic acts and omissions that lead to violence against women and girls. Please also specify measures in place to prevent the stigmatization of victims of sexual violence and abuse, in particular given the high levels of adolescent pregnancy in the State party, and the indications that many involve sexual violence and abuse. Please provide information on measures taken to investigate the causes of such pregnancies and to promptly prosecute all cases of sexual abuse of girls.

Trafficking

11. According to information before the Committee, the State party is a source and destination country for women and girls subjected to trafficking for purposes of sexual exploitation and forced labour. Please specify whether steps have been taken to harmonize the General Act for the Prevention, Punishment and Eradication of Crimes of Trafficking in Persons and for the Protection and Assistance of Victims across the states and to increase the number of and improve shelters for victims of trafficking in all states (annex 2). Please also provide information on the number of cases of trafficking in persons, especially women and girls, that have been investigated. Please indicate measures in place to identify the alleged perpetrators, including those involved in organized crime. Please provide information on prosecutions involving cases reportedly perpetrated by the public authorities and law enforcement personnel, specifying the nature of the sanctions imposed. Please indicate specific measures taken to prevent trafficking in indigenous women, adolescents and girls for purposes of sexual exploitation and forced labour.

Participation in political and public life

12. The State party has made considerable strides in achieving gender parity through reforms to its electoral policies (para. 22), with information before the Committee suggesting that it will achieve equal representation in the elections to be held in 2018. In that regard, please indicate what budgetary provisions have been made to ensure that expenditure will benefit women and men equally during and after the elections. Please provide information on measures taken to support women candidates for elected positions, especially at the local level. Please also indicate what measures have been taken to address the structural, gender and ethnic-based discriminatory practices and attitudes, including those originating from the indigenous normative system, that prevent indigenous and rural women from enjoying full and equal participation in political decision-making. Please provide information on steps taken to deal with the increase in political violence against women, indicating specific action taken at the federal and local levels to recognize and define the crime of political violence, in line with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19. Please indicate whether the State party is considering adopting a national action plan in line with Security Council resolution 1325 (2000), as recommended by

the Committee in its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

Women human rights defenders and journalists

13. Please provide information on measures taken to strengthen the gender perspective within the federal mechanism to protect human rights defenders and journalists (para. 180) and indicate how the methodology for risk assessments (para. 182) has taken into account allegations of intimidation and harassment against women human rights defenders and journalists, including indigenous women leaders. In particular, please provide details of investigations carried out in response to the statement by the Special Rapporteur on the situation of human rights defenders that 38 women human rights defenders and journalists were killed between 2012 and 2016. Please provide details on how many of those cases have been investigated and whether sentences have been handed down by courts in relation to violations against women human rights defenders and journalists.

Education

14. Please indicate whether effective measures are in place to increase female enrolment in non-traditional areas of vocational training, as well as in technology and science-based studies, including science, technology, engineering and mathematics, at the secondary and tertiary levels. In that regard, please specify whether the impact of such measures has been evaluated and whether the integration of girls into the labour market once they have completed their education is monitored. Please describe any developments in providing intercultural and bilingual education for indigenous girls as a means of accelerating their access to all levels of education. Please also describe how the national strategy for the prevention of adolescent pregnancy (para. 117) has been implemented, indicating whether there are plans to apply it in all states and whether its impact has been evaluated. Please also provide data on the dropout rate of girls owing to pregnancy and the indirect costs of education that may impede access to education by women and girls, especially in female-headed households and indigenous communities. Please elaborate on the support grants available to young mothers and pregnant girls (para. 196) and provide information on how the system assists adolescent mothers to return to school to complete their education, indicating whether such measures have affected the overall dropout rate among girls. Please also indicate measures in place to tackle sexual harassment in schools.

Employment

15. The State party recognizes that a gender wage gap persists (para. 153), with information before the Committee suggesting that only 43.9 per cent of women participate in the labour market, while 60 per cent work in the informal sector. Please state the percentage of women who work in industry and indicate their main geographical locations. Please provide information on steps taken to promote the employment of women in non-traditional, higher-waged sectors, including through the use of temporary special measures, and to enforce the principle of equal pay for work of equal value, in line with the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization. Please indicate whether efforts have been made to eliminate the discriminatory barriers faced by highly qualified women in advancing in their chosen field of work. Please also indicate measures in place to promote gender equality in the business sector. Please specify what mechanisms are in place to identify cases of sexual harassment in the workplace and the sanctions applied in such cases.

16. In the light of the labour reforms outlined (paras. 152 and 164), please indicate measures taken to resolve the precarious situation faced by female domestic workers and to develop a comprehensive policy that ensures that such workers have equal access to equal remuneration and treatment for work of equal value, including benefits, together with equal access to social security and safety in working conditions, as previously recommended by the Committee (CEDAW/C/MEX/CO/7-8, para. 29 (d)). Please indicate the time frame for ratifying the Domestic Workers Convention, 2011 (No. 189), and the Workers with Family Responsibilities Convention, 1981 (No. 156), of the International Labour Organization (para. 168). Please provide details on whether labour inspection mechanisms are in place nationwide and on trends identified in terms of the type of violations faced by female employees and mechanisms in place to address them. Please indicate whether the State party has considered providing women workers with the option of submitting a complaint via mobile technology in cases involving labour rights violations, especially when there is a fear of reprisals.

Health

17. Please indicate what measures have been taken to harmonize federal and state legislation relating to abortion with a view to eliminating the obstacles faced by women seeking legal abortions and also to extend access to legal abortion in the light of the constitutional human rights reform, as previously recommended by the Committee CEDAW/C/MEX/CO/7-8, para. 33 (a)). Reference is made to legislative reforms, including to Mexican official standard NOM-046-SSA2-2005 on domestic and sexual violence and violence against women (para. 148), and efforts to strengthen and harmonize the General Victims Act. In that regard, please indicate how the public, in particular women, has been informed of these developments throughout the country and specify whether health personnel are aware of their obligations and whether sanctions are in place should they fail to comply. Please provide information on measures taken to eliminate the obstacles faced by women seeking legal abortions. Please also provide statistics on how many women have undergone a legal abortion. Please provide an update on proposed reforms to the General Health Act, currently pending in the Senate, that would reportedly allow health workers to deny patients access to health services, including abortion and contraception, based on conscientious objection because of personal beliefs.

18. Please provide information on the financial resources in place to provide for birth kits and contraceptives, indicating how such kits are distributed, in particular to women living in rural areas and indigenous women. Please provide updated information on the maternal mortality rate, disaggregated by region, and its principal causes and indicate whether the "healthy pregnancy" strategy, intended to reduce that rate (para. 133), is being implemented nationwide and whether sufficient budgetary allocations are in place for its application. Please describe mechanisms in place to identify obstetric violence and potential sanctions for perpetrators. Given the high level of adolescent pregnancy and indications that many schoolgirls are resorting to abortion, please describe measures being taken to tackle the problem. Please provide details on services provided to ensure that adolescent mothers are provided with the necessary support in terms of nutrition, health and psychosocial care.

Women with disabilities

19. Please describe measures in place to implement programmes and policies in relation to protecting the rights of persons with disabilities, specifying whether steps have been taken to establish similar programmes and policies in all states (annex 2). Please indicate what role the National Council for the Development and Inclusion of Persons with Disabilities plays in ensuring that a gender perspective is applied when

developing legislation and policies. Please provide information on the extent to which women with disabilities are disproportionately affected by poverty and in terms of access to health and reproductive health services, education and employment. Please provide specific examples of existing social protection schemes aimed at reducing the economic burden on women in disadvantaged groups, including women with disabilities. Please indicate what measures are in place to ensure that women and girls, including women with disabilities, who are victims of violence have adequate access to medical and psychosocial assistance, as well as victim and witness protection programmes. Please also provide details of steps taken to prevent sexual and economic exploitation, abuse and trafficking with regard to indigenous women with disabilities.

Indigenous and rural women

20. The State party outlines measures taken to achieve equality and to reduce poverty and extreme poverty among rural women and indigenous women, including through a conditional cash transfer system and a "national crusade against hunger" strategy (para. 192). Please provide an update on the implementation of the measures, indicating whether their impact on women living in extreme poverty has been evaluated. In line with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please describe to what extent rural women and indigenous women have been involved in the development of those and other measures to tackle extreme poverty. Please describe measures in place to ensure that indigenous women control their resources and are able to continue to practise the positive aspects of their culture and traditions without hindrance. Please specify whether temporary special measures have been adopted to address the disparities that indigenous rural women face with regard to access to land and property, as well as basic social services, including education and health, and participation in decision-making processes, as previously recommended by the Committee (CEDAW/C/MEX/CO/7-8, para. 35 (b)).

Refugees and asylum-seeking women

21. The State party provides no information on the situation of refugee and asylum-seeking women or on asylum claims based on gender-related persecution. Please specify what measures have been taken to fill existing protection gaps concerning the rights of female refugees and asylum seekers. Please also specify what measures are in place to protect women in transit, especially those travelling from Central America, who face acute risks of kidnapping, disappearance, sexual assault, trafficking and extortion. Please indicate what mechanisms are in place to encourage refugee and asylum-seeking women to file complaints with the authorities without fear of deportation. In that regard, please specify how many women were deported within the reporting period, indicating their country of origin. Please also provide statistics on the number of lesbian, bisexual, transgender and refugee and asylum-seeking women and intersex persons who have been subjected to gender-based violence in the State party, stating whether the alleged perpetrators have been brought to justice. Please indicate whether efforts have been undertaken to establish a formal mechanism to identify persons in need of international protection, including women refugees, stateless women and victims of trafficking in persons. Please indicate whether a comprehensive strategy has been adopted to identify, prevent and respond to situations of sexual and gender-based violence affecting refugee and asylum-seeking women and girls, and to ensure that they have adequate access to shelters, as well as medical and psychosocial counselling services, in accordance with general recommendation No. 35.

Migrant women

22. In the light of the current social and political context, please provide information on measures taken or envisaged to combat all forms of discrimination against migrant women and to ensure their adequate access to training and employment, social security and social services, housing, health care and education. Please provide information on measures taken or envisaged to ensure that migrant women receive adequate protection and assistance in cases of domestic violence. Please provide updated data on the employment rate and working conditions of migrant women in the State party. Please also indicate what measures have been take to prevent and combat violence against migrant women, including gender-based murders and disappearances, to punish the perpetrators of such violence and to adopt all measures necessary to give full effect to the decisions of the Inter-American Court of Human Rights in that connection, including its judgment in the case of *González et al. ("Cotton Field") v. Mexico* (ibid., para. 19 (f)).

Women in detention

23. Information before the Committee suggests that the prosecution of women for drug-related offences increased by 75 per cent in 2015, with inmates suffering serious health problems owing to overcrowding and confinement. Please indicate what measures are in place to ensure that women in detention are treated humanely and provided with adequate access to health care, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). Please also provide information on the criteria applied in cases involving pretrial detention, especially in the light of reports suggesting that women often spend extended periods in custody. Please provide data on the use of gender-sensitive alternatives to pretrial detention. Please indicate how many women are currently imprisoned for having had an illegal abortion.

Marriage and family relations

24. The State party refers to proposed amendments to articles 168 and 184 of the Federal Civil Code (para. 200) in order to ensure that tangible and intangible assets, including pension and insurance benefits, are given due recognition within the matrimonial property regime in cases of divorce. Please provide details of any progress in that regard, indicating mechanisms in place to ensure that the public registries of defaulting alimony debtors, currently in place in five states (para. 201), are adopted at the national level as a means of upholding maintenance obligations. Please further elaborate on the mechanisms intended to encourage the equal division of responsibility between men and women in the family (para. 206) and indicate whether there are plans to enact legislation on responsible paternity, as previously recommended by the Committee (CEDAW/C/MEX/CO/7-8, para. 37 (c)).

25. The State party notes that 19 states have adopted provisions to increase the minimum age of marriage to 18 years in line with the General Rights of Children and Adolescents Act (para. 205). Please indicate what steps have been taken to ensure that this law is applied in all states. Please also indicate what safeguards are in place to protect girls under the age of 18 years who have been allowed to marry. Please specify measures taken to change cultural attitudes to early marriage through awareness-raising campaigns, in particular among rural and indigenous communities. Please indicate whether a mechanism is in place to register child marriages, especially in rural, remote and indigenous areas.